



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.17179 of 2022

Sonaimuthu

... Petitioner/Accused No.7

Vs

The State Rep.by
The Inspector of Police,
District Crime Branch (DCB),
Ramanathapuram District.
(Crime No.12/2022).

... Respondent/Complainant

G.Tamilvendan

... Intervener Petitioner /
Defacto Complainant
IN CRL MP(MD)No.12701 of 2022

For Petitioner : M/s.Haroon Rasheed.D.S.,
Advocate.

For Respondent : Mr.T. Senthil Kumar,
Additional Public Prosecutor

For Intervener : Mr.J.Vishnu, Advocate.

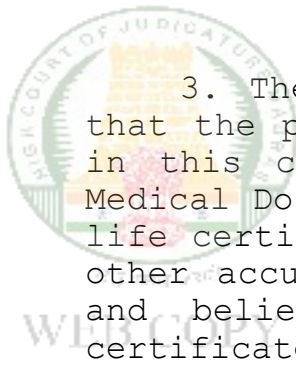
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Cr No.12/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 465, 468, 471, 420 and 120(B) IPC in Crime No.12 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's grandfather Nambu Pitchai and his brother Nambu Rajan had executed a power of attorney in favour of one Thamaraiselvi. On 28.12.2010, the said Nambu Pitchai has passed away. Suppressing the same, on 23.06.2016, the said power agent with the help of one Muniyasamy, who is the brother of the defacto complainant's father, executed a sale deed in favour of the present petitioner by using bogus life certificate in the name of the defacto complainant's grandfather Nambu Pitchai. Hence, the complaint.



3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is a Medical Doctor and the allegation against him is that he has given a life certificate for a death person. He further submitted that the other accused had brought a person stating him to be Nambupitchai and believing that accused the petitioner had given a life certificate and based on that registration has been done. Other than the allegation giving life certificate, there is no other allegation against the petitioner and thereby, seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the co-accused viz., A2 and A3 have been granted anticipatory bail in CrI.O.P(MD).Nos.18736 and 20516 of 2022, dated 28.10.2022 and 28.11.2022 respectively. He would further submit that the investigation of the case is pending and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and that co-accused have already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

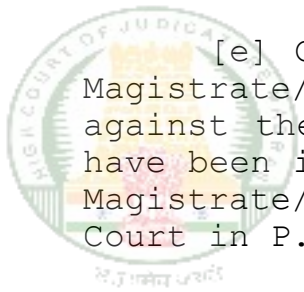
6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Special Court for Land Grabbing Cases, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter, every Saturday at 10.30 am until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.



[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/12/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
SPECIAL COURT FOR LAND GRABBING CASES,
RAMANATHAPURAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH (DCB),
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17179 of 2022
Date :14/12/2022

trp
MK/VR/SAR 3/22.12.2022/3P/5C